IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

Bail Appl..No. 6757 of 2007()

O.R.NO. 3/07 OF MAYANNUR FOREST SECTION,
VADAKKANCHERRY RANGE

PETITIONERS/ACCUSED NO.1 & 2

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1. UNNIKRISHNAN KARTHA, AGED 53,
S/O NARAYANAN NAMBOOTHIRI, THAIKKATTU CHIRAL
BHAVAN, AIKARANAND NORTH VILLAGE,
KUNNATHUNAD TALUK, ERNAKULAM.

2. K.J.JOHN @ JOSE, AGED 55 YEARS,
S/O K.J.JOSEPH, OMBALA MALAYIL HOUSE,
KOLENCHERRY, KINGINI MATTOM P.O.,
AIKKARANAD VILLAGE.

BY ADV. SRI.K.V.SABU

RESPONDENTS: COMPLAINANT

FOREST OFFICER,
MAYANNUR FOREST STATION, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6757 of 2007

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Dated this the 26th day of November, 2007

O R D E R

Application for anticipatory bail. The petitioners are alleged to have cut down trees which admittedly stand in the property assigned to the first petitioner. There is a dispute as to whether the first petitioner is entitled to cut the trees or not. The learned Prosecutor asserts that the petitioners are not entitled to cut the trees, whereas the petitioners asserts that there is no impediment, going by the document of assignment against cutting of trees which are not there at the time of assignment. I shall not enter into that controversy in detail.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. Anticipatory bail may be granted to them, it is prayed.

3. The learned Prosecutor opposes the application. Notwithstanding the opposition I am satisfied, in the facts and

circumstances of this case, that anticipatory bail can be granted to the petitioners, subject to appropriate conditions.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 3.12.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 4.12.07 and 5.12.2007 and thereafter as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 3.12.07

and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to their surrender on 3.12.2007 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 3.12.2007.

(R. BASANT)
Judge

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